REMARKS/ARGUMENTS

The application now contains claims 14-33. Independent claim 14 and dependent claims 15-26 have been amended to clarify the Applicants' invention. New claims 27-33 have been added to further define the Applicants' invention. In view of the foregoing amendments and following remarks, Applicants respectfully request allowance of the application.

The term "centre" has been amended to read "center" as on page 8 line 29 in the specification to be consistent throughout the specification.

Objection under 37 CFR 1.75(c)

Multiply dependent claims 7-13 have been cancelled. The dependencies of claims 20-26 have been corrected to comply with 37 CFR 1.75(c).

Rejection under 35 U.S.C 112 second paragraph

The rejection under 35 U.S.C. 112, second paragraph, to claims 1-6 and 14-19 as being indefinite has been addressed by the cancellation and amendments made to the claims. Claims 1-6 have been cancelled and claims 14 and 19 have been amended to address the antecedent issues identified in claim 14 and to clarify subject matter of claim 19.

Rejection under 35 U.S.C. 102(b)

Applicants invention provides a portable cylinder holder for carrying one or two cylinders in a secure manner. The *"frame is designed so that one or two cylinders (102) can be placed inside the holder in compartments (111) located on either side of a handle (103)."* (page 6 lines 6 to 9) The *"...compartments (111) enclose the cylinders so that they can only be accessed from the top when the handle is in an open or unlocked position (105), with the cylinder oriented so that the valves (107) are upright."* (page 6 lines 9 to 12) *"The cylinders are inserted via the top the holder*

into compartments formed in the frame (101). The cylinders are secured by rotation of a handle from an open (105) position to a closed position located between the compartments. The handle acts as "a barrier to stop the cylinders from being removed from the compartments by making contact with the top of the cylinder (at point 106) thereby restricting their movement" (page 6 lines 14 to 17). The handle also enables the user to conveniently carry the cylinder holder.

Claims 1-6 and 14-19 have been rejected under 35 U.S.C. 102(b) as being anticipated by Gould (3,302,368). Claims 1-13 have been cancelled rendering the rejection to those claims moot. Applicants submit that amended claims 14-19 are not anticipated by Gould on the basis of the following comments.

The examiner asserts that *"Gould teaches a portable cylinder holder including frame means 9+ defining a compartment as broadly claimed and handle means (e.g. 20, 26, 31+) rotatable between a closed retaining position (e.g. see horizontal position of element 20 in figure 2) and an open position."* (page 3 point 5)

Applicants submit that Gould discloses a pallet suitable for supporting and transporting gas cylinders including a baseplate for supporting the cylinders and, on top of this, baseplate, a pair of tunnels for receiving the tines of a forklift truck plus a pair of upstanding frameworks at respective opposite side of the plate, for stabilizing the upper ends of the elongated articles (see abstract). The "handle means" claimed in Gould, which is defined as "bars" (e.g. 20, 26, 31+), *"...when in their active positions serve to restrain movement of the cylinders 13 in the direction parallel to the length of tunnels 2 and 3, serve to restrain movement of the cylinders 13 in a direction perpendicular to the lengths of the tunnels. Bar 20, 26, 31, and 36, when not being used, and thus not in their horizontal, active positions between the gas cylinders, may be swung vertical. Out of the way positions..."* (col 3. lines 57 to 66).

Contrary to the examiner's statement that all the elements and limitations are disclosed by Gould, at least the following structural differences are not provided, for example the positioning of the handle means inside the frame and in between the compartments is not disclosed. In addition, the handle means facilitating ease of transportation or the use of the handle means to restrict vertical movement of the

cylinders within the carrier is not disclosed. Therefore, the rejection is unsupported by the art and should be withdrawn.

Claims 14-18 have been alternatively rejected under 35 U.S.C. 102(b) as being anticipated by Williams (3.907,117). Applicant submits that amended claims 14-18 are not anticipated by Williams on the basis of the following comments.

The examiner asserts that *"...Williams teaches a portable cylinder holder including frame means 34+ defining a compartments as broadly claimed and a rotatable handle means 40+ located and operable as broadly claimed."* (page 4 lines 1 to 3)

Applicants submit that Williams discloses an elongated wheeled rack or cart with means to support a plurality of containers such as garbage cans and the like. Upright members at the ends of the rack support a generally U-pivoted hold down bar for container lids. The hold down bar is manually lifted to permit intentional access to the containers, in particular garbage cans. (see abstract and Fig. 1) The hold down-bar extends across the length of the frame of the mobile rack. *"Extending between the upper post 28 and the arch frame is an elongated can-lid hold down bar 40 which at one end has rigid arm or link 42 secured to post 28 by pivot 44, and arm or link 46 at the other end secured medially to bar 24 of arch frame by pivot 48. Stop means to maintain the hold down bar in the upper inoperable position shown in Fig. 3 may comprise the lug 50 instanding from bar 24."* (Col. 1 lines 57 to 64)

Contrary to the examiner's statement that all the elements and limitations are disclosed by Williams, at least the following structural differences are not provided, for example the positioning of the handle means between individual compartments containing cylinders is not disclosed. In addition, the handle means does not facilitate ease of transportation by enabling the user to lift the carrier by the means. Therefore, the rejection is unsupported by the art and should be withdrawn.

In summary, as discussed above, the Gould or Williams do not teach the elements of the Applicants invention found in the independent claim 14 of the present application. Similarly, dependent claims 15 to 26 should also be allowed. Accordingly,

Applicants respectfully request that the rejection under 35 U.S.C. 102(b) be withdrawn.

The Applicants submit that the amendments to independent claims 14 and dependent claims 15 to 26, while not altering the scope of the present application provide additional clarity in this matter. Claim 14 has been amended to clarify that the frame forms two compartments, each for holding one cylinder inserted into the compartment through openings in the top of the frame. The means provides for engaging cylinders within the compartments and for facilitating lifting of the frame by a user and is positioned inside said frame and in between the compartments. The means is operable between an open position and a closed position. When the means is in the open position, cylinders can be inserted or removed from the compartments. When the means is in the closed position, cylinders inserted within said compartments are secured within the portable holder as supported by the specification (see Fig. 1 and page 6 line 3 to page 7 line 14). Dependent claims 15 to 26 have been amended to reflect the changes made in independent claim 14 and to ensure consistency.

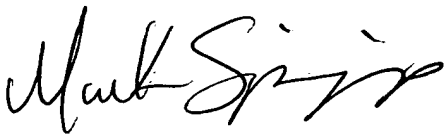
New claims independent claim 27, and dependent claims 28-33 have been added. Claims 27 expands on the frame, shaft, grasping portion and locking mechanism in more detail as supported by Fig.1 and the associate description on pages 6 lines 3 to page 7 line 14. Dependent claims 28-33 present subject matter similar to claims 14 to 26. The Applicants also submit that new claims 27-33 should similarly present patentable subject matter and should be allowed.

CONCLUSION

Applicants respectfully submit that the present application is in condition for allowance and requests that a timely Notice of Allowance be issued in this case.

The prior art made of record, but not specifically cited, is not believed to disclose any significant information that is not sufficiently discussed in this Amendment.

Respectfully submitted,



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ATTACHMENT A

PENDING CLAIMS WITH MARKINGS TO SHOW CHANGES MADE

CLAIMS:

1-13 (canceled)

14 (currently amended): A portable holder for use in holding two cylinders, said holder comprising:

a frame ~~means~~ forming two compartments, each for holding one cylinder inserted into the compartment through openings in the top of said frame; and

~~a rotatable handle~~ means for engaging cylinders within said compartments and for facilitating lifting of the frame by a user, said means ~~located~~ positioned inside said frame and in between said compartments, ~~said compartments for rotation on said frame means, said handle means being rotatable~~said means being operable between an open position and a closed position; ~~and~~

wherein, when said means is in the open position, cylinders can be inserted or removed from said compartments and ~~in~~ when said means is in the closed position, cylinders inserted within said compartments are secured within said portable holder.~~, said closed position said handle can retain at least one of said cylinders within said compartments and in said open position said handle allows either or both of said two cylinders to be removed from said compartments~~

15 (currently amended): The portable holder of claim 14, wherein said frame ~~means~~ is formed out of a solid structure.

16 (currently amended): The portable holder of claim 14, wherein said frame ~~means~~ is formed out of individual frame members.

17 (currently amended): The portable holder of claim 15 or 16, wherein said frame ~~means~~ is formed from materials selected from the group consisting of metals, plastics, composites and alloys.

18 (currently amended): The portable holder of claim 17, wherein said ~~handle~~ means comprises:

~~a shaft portion and~~ a grasping portion~~, said grasping portion~~ located at the top of said frame rotatable between the open and the closed positions~~above said frame means~~.

19 (currently amended): The portable holder of claim 18, wherein a top of said grasping portion, when said means is in the closed position, does not extend above ~~each of said two cylinders has~~ a valve assembly at the top of the cylinders, when the cylinders are in said compartments~~and said grasping portion does not protrude above said valve assembly~~.

20 (currently amended): The portable holder of claim 14 ~~or 19~~, wherein a base portion is located at ~~the~~ said bottom of ~~the~~ said frame ~~means~~.

21 (currently amended): The portable holder of claim 20, wherein a cupping portion ~~means~~ is located on said base portion in each of said at least one compartment, said cupping portion ~~means being~~ shaped to ~~hold said at least one~~ receive a base of the cylinder.

22 (currently amended): The portable holder of ~~any of claims~~ claim 20 ~~or 21~~, wherein said base ~~further comprising a~~is flat ~~portion located~~ at the bottom of each of said compartments and a recessed portion is located in between said compartments.

23 (currently amended): The portable holder of claim 22, wherein a~~said~~ shaft extends from said grasping portion ~~in~~to said recessed portion, said shaft connectable to ~~of said base and wherein~~ a locking ~~means~~ mechanism~~is~~ located ~~on said shaft~~ in said recessed portion, wherein said locking ~~means~~ mechanism ~~adapted to~~ engages a receiving element affixed to a rack ~~means~~ for securing said portable holder to said rack ~~means~~.

24 (currently amended): The portable holder of claim 23, wherein when said ~~handle~~ means is in the closed position, ~~the~~ said locking ~~means~~ mechanism engages with the receiving element to affix said portable holder to ~~said~~ the rack ~~means~~ and when said ~~handle~~ means is in the open position the locking ~~means~~ mechanism disengages the receiving element to release said portable holder from ~~said~~ the rack ~~means~~.

25 (currently amended): The portable holder of ~~any of~~ claims 14~~23 or 24~~, wherein the rotation of said ~~handle~~ means is mechanically restricted to resting either ~~only~~ in ~~said~~ the open position or ~~only~~ in ~~said~~ the closed position. ~~by a mechanical means located along said shaft portion.~~

26 (currently amended): The portable holder of claim 14~~25~~, wherein ~~said mechanical means is~~ an over-center mechanism mechanically restricts rotation of said means.

27 (new): A portable holder for holding two cylinders, said holder comprising:

a frame having an open top portion and a base portion forming two compartments, each for holding a cylinder inserted into the compartments through said open top portion of the frame;

a grasping portion connectable to said frame in between said open top portion of said compartments, rotatable between an open position and closed position;

a shaft connected to said grasping portion extending between said two compartments through said frame to the base portion of said frame;

a locking mechanism connected to said shaft located in said base portion for engaging a receiving element connected to an external rack; and

wherein when the grasping portion is in the open position, cylinders can be inserted or removed from said compartments and the locking mechanism is disengaged, and when the grasping portion is in the closed position, cylinders in said compartments are secured within said holder by said grasping portion and said locking mechanism is engaged.

28 (new): The portable holder of claim 27, wherein the rotation of said grasping portion is mechanically restricted to resting either in said open position or in said closed position.

29 (new): The portable holder of claim 27, wherein when in the closed position, a top of said grasping portion does not extend above a valve assembly at the top of the cylinders when cylinders are in said compartments.

30 (new): The portable holder of claim 27, wherein a cupping portion is located on said base portion in each of said at least one compartment, said cupping portion shaped to receive a cylinder base.

31 (new): The portable holder of claim 27, wherein said locking mechanism can engage a receiving element affixed to a rack for securing said portable holder to said rack.

32 (new): The portable holder of claim 31, wherein when said grasping portion is in the closed position, said locking mechanism engages with the receiving element to affix said portable holder to the rack and when said grasping portion is in the open position said locking mechanism disengages the receiving element to release said portable holder from the rack.

33 (new): The portable holder of claim 27, wherein the rotation of said grasping portion is mechanically restricted to resting either in the open position or in the closed position.

ATTACHMENT B

AMENDED PARAGRAPH PAGE 8 SHOWING AMENDMENTS

One possible embodiment of the rotational control mechanism (124) is an over-center mechanism depicted in Figure 3. The over-center mechanism allows the handle to be at rest in only two positions, closed (104) or open (105) that are 90° apart. The rotation of an arm (140) is limited by stop points (130 & 132) that are secured to the frame of the holder. The opposite end of arm (140) rotates around shaft (108). A curved arm (134) is rotated about a pivot point at hinge pin (138) connected to arm (140). The opposite end of the curved arm (134) is tensioned by a spring (142) which is secured to a point on the frame of the holder (144). The spring ensures that the handle will only be in the opened or closed position by forcing the mechanism to rest against one of two stop points (130 & 132) thus stopping the travel of the arm (140) and limiting the rotation of the handle (103) to 90°. The over-~~centre~~center mechanism is just one of many possible means by which to control the position of the handle. Other mechanisms could be implemented that would limit the movement of the handle to specific locations.